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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 ADAM NICHOLAS SCHPAKOW,  
15 Defendant.

Case No. 2:19-mj-462-EJY

**STIPULATION TO CONTINUE**  
**BENCH TRIAL**  
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.  
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,  
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,  
20 and Andrew Wong, Assistant Federal Public Defender, counsel for Adam Nicholas Schpakow,  
21 that the bench trial currently scheduled on November 20, 2019 at 9:00 am, be vacated and  
22 continued to a date and time convenient to the Court, but no sooner than forty-five (45) days.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel needs additional time to consult with his client and prepare for  
25 trial.  
26

1           2.       Additionally, denial of this request for continuance could result in a miscarriage  
2 of justice. The additional time requested by this Stipulation is excludable in computing the time  
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code  
5 § 3161(h)(7)(B)(iv).

6           This is the first request for a continuance of the bench trial.

7           DATED this 20<sup>th</sup> day of November, 2019.

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9           RENE L. VALLADARES  
10          Federal Public Defender

          NICHOLAS A. TRUTANICH  
          United States Attorney

11          /s/ Andrew Wong  
12          By \_\_\_\_\_

          /s/ Rachel Kent  
          By \_\_\_\_\_

13          ANDREW WONG  
14          Assistant Federal Public Defender

          RACHEL KENT  
          Special Assistant United States Attorney

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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADAM NICHOLAS SCHPAKOW,

Defendant.

Case No. 2:19-mj-462-EJY

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel needs additional time to consult with his client and prepare for trial.

2. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the  
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be  
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,  
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,  
9 United States Code, § 316(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,  
12 November 20, 2019, at 9:00 a.m., be vacated and continued to March 4, 2020, at the hour of  
13 9:00 a.m. in Courtroom 3D.

14 DATED this 20th day of November, 2019.

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17 UNITED STATES MAGISTRATE JUDGE  
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